



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/212,833	12/16/1998	DANIEL E. LEWIS	TELNP0163US	7815

7590 11/19/2003

MARK D SARALINO
RENNER OTTO BOISSELLE & SKLAR
19TH FLOOR
1621 EUCLID AVENUE
CLEVELAND, OH 44115

EXAMINER

HOLLOWAY III, EDWIN C

ART UNIT	PAPER NUMBER
----------	--------------

2635

DATE MAILED: 11/19/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/212,833

Applicant(s)

LEWIS, DANIEL E.

Examiner

Edwin C. Holloway, III

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Art Unit: 2635

Examiner's Response

1. In response to applicant's amendment filed 8-27-03, the examiner has considered the claims and applicant's arguments in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cromer (US 6177860) in combination with Cowan (US 5846064). Cromer disclose a method and apparatus for tracking computers including transceiver (NIC in col. 14 line 40), processor (col. 2 line 62), passive tag (RFID 411), non volatile memory (EEPROM 111) and interface (130/140).

Configuration information received by the RFID from an external source (interrogator) is stored in the memory for controlling network configuration and software download. See col. 2 line 55

Art Unit: 2635

- col. 4 line 22. Network configuration information is included in cols. 13-14 corresponding to a network interface controller (NIC) which is considered to represent a transceiver, but a wireless transceiver is not disclosed. Crowan discloses an analogous art configurable computer system with a wireless adaptor or NIC for software download. Figs. 2 and 6 include a wireless network adaptor transceiver configured according to conventional network adaptor transceiver techniques, processor, memory and input devices, but lacks passive tag. See col. 9 lines 39-55 It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Cromer a wireless NIC with wireless transceiver in view of the wireless adaptor with wireless transceiver in Cowan to allow wireless network communication with advantages such as wireless software download.

4. Claims 1-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cromer (US 6177860) in combination with Johnston (US 6064649). Cromer disclose a method and apparatus for tracking computers including transceiver (NIC in col. 14 line 40), processor (col. 2 line 62), passive tag (RFID 411), non volatile memory (EEPROM 111) and interface (130/140). Configuration information received by the RFID from an external source (interrogator) is stored in the memory for controlling

Art Unit: 2635

network configuration and software download. See col. 2 line 55 - col. 4 line 22. Network configuration information is included in cols. 13-14 corresponding to a network interface controller (NIC) which is considered to represent a transceiver, but a wireless transceiver is not disclosed. Johnston discloses an analogous art configurable computer system with a configurable wireless adaptor or NIC with configuration data over a suitable interface such as PCMCIA to allow wireless network communication. See col. 8 lines 47-61. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Cromer a wireless NIC with wireless transceiver in view of the wireless NIC with wireless transceiver/modem in Johnston to allow wireless network communication because Johnston refers to a suitable interface for configuration of the wireless NIC and the RFID of Cromer is a suitable interface for entering configuration information.

5. Claims 1-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cromer (US 6177860) in combination with Cowan (US 5846064) or Johnston (US 6064649) as applied above and further in view of Cato (US 5539394). Cato discloses an analogous art tag system with wireless programming of initial identify and product data of the tag by a programmer through the tag antenna. See col. 4 line 6 - col. 7 line 19 and fig. 5. If

Art Unit: 2635

programming of initial information by wireless communication is not clear in the combinations applied above then it would have been obvious in view of Cato disclosing wireless programming of initial identify or program of the tag by a programmer through the tag antenna. This allows programming that is not complex and uses techniques known in radio communication and computing.

Response to Arguments

6. Applicant's arguments filed 8-27-03 have been fully considered but are moot in view of the new grounds of rejection.


CONTACT INFORMATION

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology center 2600 receptionist whose telephone number is (703) 305-4700.

Facsimile submissions may be sent via fax number (703) 872-9306 to customer service for entry by technical support staff. Questions regarding fax submissions should be directed to customer service voice line (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (703) 305-4818. The examiner can normally be reached on M-F (8:30:-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704.

EH
11/16/03


EDWIN C. HOLLOWAY, III
PRIMARY EXAMINER
ART UNIT 2635